

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FRANCES WEBER, an individual,

Plaintiff,

-against-

ARTICLE ONE PARTNERS HOLDINGS, LLC,
a Delaware limited liability company; AOP
FOUNDERS, LLC, a New York limited liability
Company, CHERYL MILONE, an individual,
SYW PRIVATE INTESTMENT LLC, a Delaware
limited liability company, and ALLEGHANY
CAPITAL CORPORATION, a Delaware
corporation,

Defendants.

Case No. 1:13-cv-07437 (ER)

Honorable Edgardo Ramos

MOTION TO FILE EXHIBITS UNDER SEAL

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*COUNSEL FOR DEFENDANTS
ARTICLE ONE PARTNERS
HOLDINGS, LLC AND CHERYL
MILONE*

Defendants Article One Partners Holdings, LLC and Cheryl Milone (collectively “AOP Defendants”) hereby move for leave of court, with the consent of the other Defendants, to file documents under seal in connection with AOP Defendants Article One Partners Holdings, LLC and Cheryl Milone’s Motion to Dismiss Plaintiff’s Second Amended Complaint.

AOP Defendants move to file under seal Exhibits Four through Eight to Plaintiff’s Second Amended Complaint. Plaintiff did not file Exhibits Four through Seven to her Second Amended Complaint with this Court out of concern that Defendants would consider them confidential documents that should be filed under seal. AOP Defendants move for an order to file under seal said Exhibits because (1) they are not “judicial documents” to which a presumption of public access attaches, *see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006); and (2) even if the court deems them “judicial documents,” *see Id.*, the standard for filing them under seal is met, *see Aioi Nissay Dowa Ins. Co. Ltd. v. ProSight Specialty Mgmt. Co., Inc.*, No. 12 Civ. 3274, 2012 WL 3583176, at *5 (S.D.N.Y. Aug. 12, 2012) (outlining three-step process for determining whether documents should be placed under seal), as these Exhibits contain highly confidential proprietary information that would harm AOP Defendants if disclosed.

Exhibit Four to Plaintiff’s Second Amended Complaint is the Second Amended and Restated Limited Liability Agreement of Article One Partners Holdings, LLC, dated June 17, 2010. Exhibit Four is a confidential business document.

Exhibit Five to Plaintiff’s Second Amended Complaint is Francis Weber’s Employment Letter Agreement with Article One Partners Holdings Corporation (now Article One Partners Holdings, LLC), dated January 1, 2009. This document contains confidential information concerning both Plaintiff and AOP Defendants.

Exhibit Six to Plaintiff's Second Amended Complaint is the Heads of Agreement dated September 2, 2011. This document contains business information concerning both Plaintiff and AOP Defendants.

Exhibit Seven to Plaintiff's Second Amended Complaint is Plaintiff's original Arbitration Demand against Defendants filed with the American Arbitration Association on March 8, 2012. Exhibit Seven contains Article One Partners Holdings, LLC's Second Amended and Restated Limited Liability Agreement, dated June 17, 2010 as an attachment to Plaintiff's original Arbitration Demand. The Second Amended and Restated Limited Liability Agreement contains confidential business information concerning Article One Partners Holdings, LLC.

Exhibit Eight to Plaintiff's Second Amended Complaint is the American Arbitration Association Arbitration Panel's Rulings On Pending Motions dated September 21, 2012. Pursuant to the arbitration clause in Article One Partners Holdings, LLC's Second Amended and Restated Limited Liability Agreement, the arbitration between the parties was to "remain confidential."

All parties consent to this Motion.

Dated: New York, New York
June 27, 2014

LIDDLE & ROBINSON, L.L.P.

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